

**ORDINANCE NO. 09-01**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 10-FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE PUMP STATION 200 LOCATED AT OR NEAR CASAS PARK, IN SUBSTANTIALLY THE FORM AS ATTACHED AND MADE A PART HEREOF AS EXHIBIT "1". **PROPERTY LOCATED INSIDE CASAS PARK, 7900 WEST 32 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of December 10, 2008 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The City of Hialeah, Florida grants a 10-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve the Pump Station 200 located at or near Casas Park, in substantially the form as attached hereto and made a part hereof as Exhibit "1". The property is located inside Casas Park, 7900 West 32 Avenue, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

A PORTION OF TRACT 5, CHAMBERS LAND COMPANY SUBDIVISION, IN THE NW  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF HIALEAH, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT D OF LAS FUENTES DEL PARAISO TWO, AS RECORDED IN PLAT BOOK 163, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH  $89^{\circ} 36' 47''$  EAST ALONG A LINE PARALLEL WITH AND 35.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 28, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF WEST 80 STREET, AS NOW EXISTING, FOR 288.16 FEET TO THE POINT OF CURVATURE OF A 25-FOOT RADIUS ARC CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG SAID ARC FOR 38.32 FEET THROUGH A CENTRAL ANGLE OF  $87^{\circ} 49' 02''$  TO A POINT OF TANGENCY WITH A LINE 35.00 FEET OF THE EAST LINE OF THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 28, SAID LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF WEST 32 AVENUE, AS NOW EXISTING; THENCE SOUTH  $87^{\circ} 25' 49''$  WEST ALONG A RADIAL LINE TO THE LAST DESCRIBED ARC FOR 10.00 FEET TO A POINT OF CURVATURE OF A 15-FOOT RADIUS ARC CONCAVE TO THE SOUTHWEST AND BEING CONCENTRIC WITH THE LAST DESCRIBED 25-FOOT RADIUS ARC; THENCE NORTHWESTERLY AND WESTERLY ALONG SAID ARC FOR 22.99 FEET THROUGH A CENTRAL ANGLE OF  $87^{\circ} 49' 02''$  TO A POINT OF TANGENCY; THENCE SOUTH  $89^{\circ} 36' 47''$  WEST FOR 236.97 FEET ALONG A LINE PARALLEL WITH AND 45.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 28, SAID LINE ALSO BEING PARALLEL WITH AND 10.00 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF WEST 80 STREET, AS NOW EXISTING; THENCE SOUTH  $02^{\circ} 34' 11''$

EAST FOR 10 FEET; THENCE SOUTH 87° 25' 49"  
WEST FOR 16.00 FEET; THENCE NORTH 02° 34' 11"  
WEST FOR 10.61 FEET; THENCE SOUTH 89° 36' 47"  
WEST FOR 34.80 FEET TO THE ESAT LINE OF SAID  
TRACT D; THENCE NORTH 02° 34' 11" WEST  
ALONG THE EAST LINE OF SAID TRACT D FOR  
10.01 FEET TO THE POINT OF BEGINNING.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

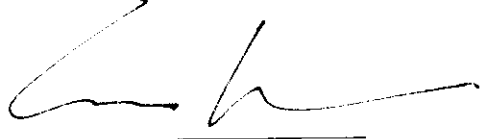
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

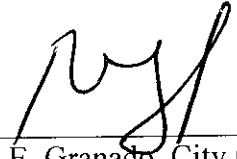
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 13th day of January, 2009.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Carlos Hernandez  
Council President

Attest:

  
\_\_\_\_\_  
Rafael E. Granado, City ClerkApproved on this 15 day of January, 2009.  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

S:\WMG\LEGISLAT\ORD\Ordinance 2008\FPLEasementcasapark.docx

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".



Work Order No. \_\_\_\_\_

# EASEMENT

This Instrument Prepared By

Sec. 28, Twp 52 S, Rge 40 E

Name: Jose R. Lopez

CFN 2009R0053302  
OR Bk 26728 Pgs 2136 - 2138; (3pgs)  
RECORDED 01/26/2009 08:23:39  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Parcel I.D. # \_\_\_\_\_  
(Maintained by County Appraiser)

Co. Name: J.F. Lopez & Assoc., Inc.

Address: 7900 NW 155 St., Ste. 104

Miami Lakes, FL. 33016

Reserved for Circuit Court

*2mg*  
The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of ~~overhead and~~ *underground* electric utility facilities (including wires, ~~poles, guys,~~ cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

See attached legal description of the easement and the accompanying sketch.

Approved as to form and legal sufficiency:

*William M. Grodnick*  
William M. Grodnick  
City Attorney

Attest:

*Rafael E. Granado*  
Rafael E. Granado  
City Clerk

Together with the right to permit any other person or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, ~~over~~ *under*, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 19\_\_\_\_.

Signed, sealed and delivered in the presence of:

City of Hialeah, Florida

By: \_\_\_\_\_  
(Grantor's signature) *1-15-09*

Print Name: Mayor Julio Robaina

Print Address: 501 Palm Avenue

Hialeah, Florida 33010

By: \_\_\_\_\_  
(Grantor's signature)

Print Name: \_\_\_\_\_

Print Address: \_\_\_\_\_

*Carmen Hernandez*  
(Witness Signature)

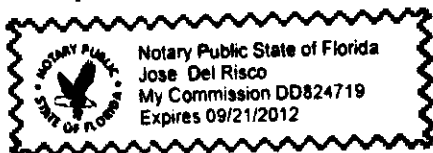
Print Name: Carmen Hernandez  
(Witness)

*Sandra Kelly*  
(Witness Signature)

Print Name: Sandra Kelly  
(Witness)

STATE OF Florida AND COUNTY OF Miami-Dade. The foregoing instrument was acknowledged before me this 16 day of January, 2009, by Julio Robaina and Rafael E. Granado, who is(are) personally known to me or has(have) produced \_\_\_\_\_ as identification, and who did (did not) take an oath.

My Commission Expires: \_\_\_\_\_ (Type of Identification)



Notary Public, Signature  
Print Name: Jose Del Risco

## LEGAL DESCRIPTION OF EASEMENT

A portion of Tract 5 of "CHAMBERS LAND COMPANY SUBDIVISION", in the NW. 1/4 of Section 28, Township 52 South, Range 40 East, as recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

BEGINNING at the NE. corner of Tract "D" of LAS FUENTES DEL PARAISO TWO, as recorded in Plat Book 163, at Page 54 of the Public Records of Miami - Dade County, Florida; thence N 89° 36' 47" E along a line parallel with and 35.00 feet South of the North line of the SE. 1/4 of the NW. 1/4 of said Section 28, said line also being the South Right of Way line of West 80th Street, as now existing, for 288.16 feet to the point of curvature of a 25 foot radius arc concave to the Southwest; thence Southeasterly and Southerly along said arc for 38.32 feet through a central angle of 87° 49' 02" to a point of tangency with a line 35.00 feet West of the East line of the SE. 1/4 of the NW. 1/4 of said Section 28, said line also being the West Right of Way line of West 32nd Avenue, as now existing; thence S 87° 25' 49" W along a radial line to the last described arc for 10.00 feet to a point of curvature of a 15 foot radius arc concave to the Southwest and being concentric with the last described 25 foot radius arc; thence Northwesterly and Westerly along said arc for 22.99 feet through a central angle of 87° 49' 02" to a point of tangency; thence S 89° 36' 47" W for 236.97 feet along a line parallel with and 45.00 feet South of the North line of the SE. 1/4 of the NW. 1/4 of said Section 28, said line also being parallel with and 10.00 feet South of the South Right of Way line of West 80th Street, as now existing; thence S 02° 34' 11" E for 10.00 feet; thence S 87° 25' 49" W for 16.00 feet; thence thence N 02° 34' 11" W for 10.61 feet; thence S 89° 36' 47" W for 34.80 feet to the East line of said Tract "D"; thence N 02° 34' 11" W along the East line of said Tract "D" for 10.01 feet to the POINT OF BEGINNING.

Lying and being in the City of Hialeah, Florida, and containing 3,351 S/F.



PREPARED BY:  
**J. F. LOPEZ & ASSOCIATES, INC.**  
 CONSULTING LAND SURVEYORS AND PLANNERS  
 CERTIFICATE N° LB. 3192, STATE OF FLORIDA

7900 NW. 155th STREET, SUITE 104,  
 MIAMI LAKES, FLORIDA, 33016.

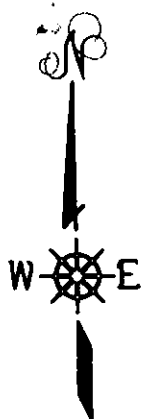
Ph: (305) 828-2725 Fax: (305) 828-3589

BY:

*Jose F. Lopez*  
 JOSE F. LOPEZ, P. S. M.

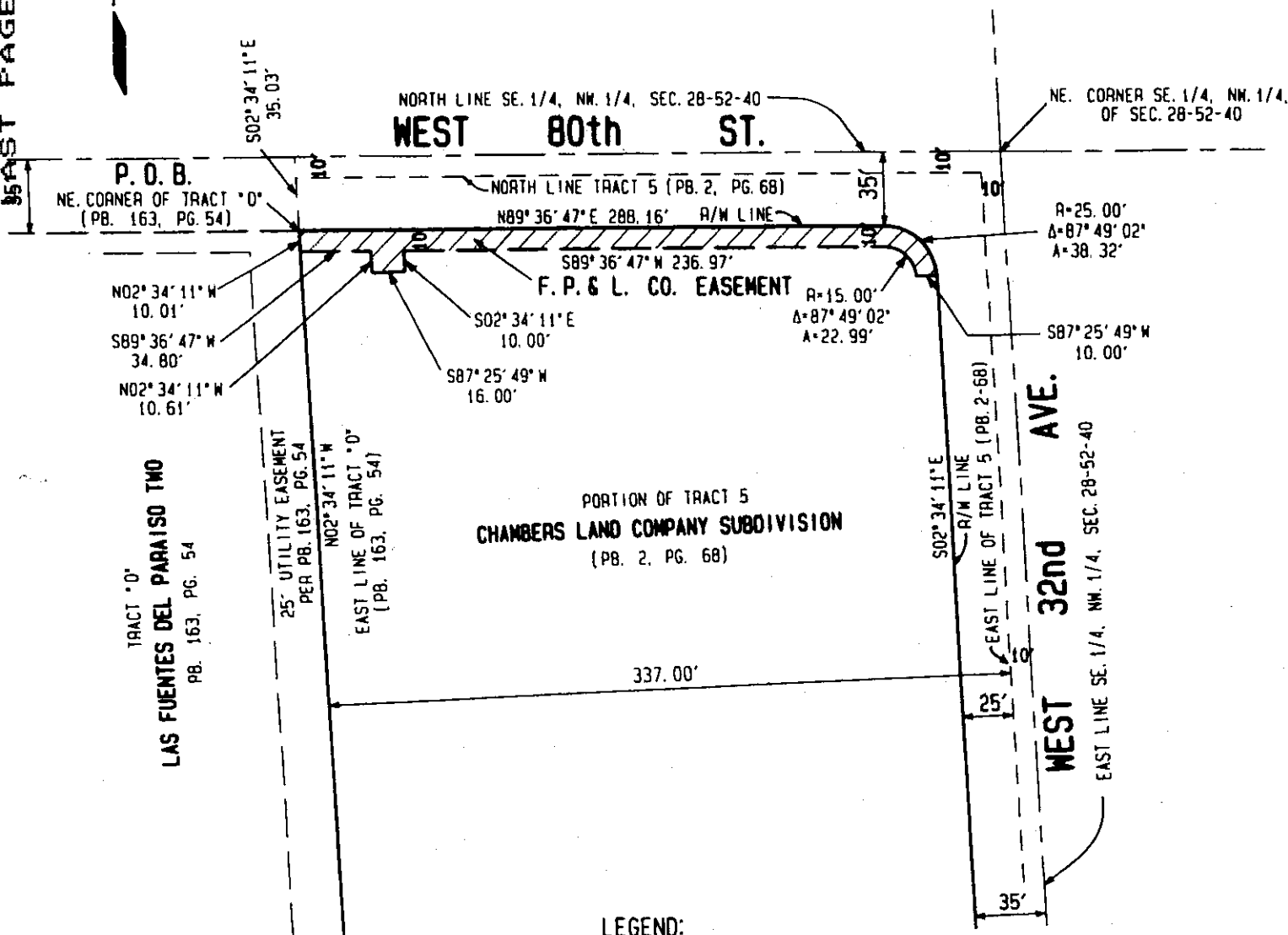
Professional Surveyor & Mapper  
 N° 3086, State of Florida

DATE: OCTOBER 27, 2008  
 ORDER NO. 080520-R  
 CAD FILE: 080520

OR BK 26728 PG 2138  
LAST PAGE

## SKETCH OF LEGAL DESCRIPTION:

GRAPHIC SCALE



PREPARED BY:

**J. F. LOPEZ & ASSOCIATES, INC.**CONSULTING LAND SURVEYORS AND PLANNERS  
CERTIFICATE N°LB. 3192, STATE OF FLORIDA7900 NW. 155th STREET, SUITE 104,  
MIAMI LAKES, FLORIDA, 33016.

Ph: (305) 828-2725 Fax: (305) 828-3589



DATE: OCTOBER 27, 2008

ORDER NO. 080520-R

CAD FILE: 080520

BY:

JOSE F. LOPEZ, P. S. M.  
Professional Surveyor & Mapper  
N°3086, State of Florida